

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 08, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AESTHETIC MANAGEMENT
PARTNERS, LLC, a Delaware limited
liability company,

Plaintiff,

v.

PROJECTED GROWTH CONSULTING,
LLC, a Washington limited liability
company; PROJECTED GROWTH
CONSULTING, LLC, a Florida limited
liability company; and KELLY SMITH, an
individual,

Defendants.

No. 2:23-CV-00361-SAB

**ORDER GRANTING IN PART
AND DENYING IN PART
PLAINTIFF'S MOTION TO
REMAND; REMANDING
CASE TO SPOKANE COUNTY
SUPERIOR COURT AND
CLOSING FILE**

ECF NO. 7

Before the Court is Plaintiff's Motion to Remand, ECF No. 7. Plaintiff is represented by Stephen Willey. Defendant is represented by Aric Jarrett. The motion was heard without oral argument.

Defendant removed the case based on diversity jurisdiction under 28 U.S.C. § 1332. Plaintiff seeks remand based on the amount in controversy requirement while claiming it "does not contest diversity of citizenship." ECF No. 7 at 2. After filing of the motion, Plaintiff filed a corporate disclosure statement reflecting the membership of the LLC Plaintiff indicating that numerous members are citizens of

1 Washington and Florida. ECF No. 10. The citizenship of Plaintiff's membership
2 was not evident in the Complaint, Notice of Removal, or Motion to Remand. *See*
3 ECF Nos. 1, 7. Defendant's response admits that it is now evident that complete
4 diversity does not exist and remand is warranted. *See* ECF No. 13; *Johnson v.*
5 *Colombia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) ("[L]ike a
6 partnership, an LLC is a citizen of every state of which its owners/members are
7 citizens.").

8 Plaintiff requests attorney's fees and costs related to the motion to remand.
9 *See* ECF No. 7 at 7-8; 28 U.S.C. § 1447(c) ("An order remanding the case may
10 require payment of just costs and any actual expenses, including attorney fees,
11 incurred as a result of the removal."). Plaintiff is not entitled to an award of fees
12 and costs as it had the ability to avoid motion practice entirely had it disclosed
13 citizenship of its members sooner.

14 Accordingly, **IT IS HEREBY ORDERED:**

15 1. Plaintiff's Motion to Remand, **ECF No. 7**, is **GRANTED IN PART**,
16 and **DENIED IN PART**.

17 2. The above-captioned matter is **REMANDED** to the Spokane County
18 Superior Court pursuant to 28 U.S.C. § 1447(c) for lack of jurisdiction.

19 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
20 this Order, provide copies to counsel, notify the clerk of the Spokane County
21 Superior Court pursuant to 28 U.S.C. § 1447(c), and **CLOSE THE FILE**.

22 **DATED** this 8th day of March 2024.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

Stanley A. Bastian
United States District Judge